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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-first session

SUMMARY RECORD OF THE 546th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 27 May 1999, at 3 p.m.

Chairperson: Ms. MBOI

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS BY STATES PARTIES (agenda item 6) (continued)

Initial report of Chad (CRC/C/3/Add.50; HRI/CORE/1/Add.88; CRC/C/Q/CHA/1; written replies of the Government of Chad to questions in the list of issues to be taken up)

At the invitation of the Chairperson, Mr. Limane, Mr. Djonata, Mr. Kaguer, Ms. Motogam and Mr. Turzi (Chad) took places at the Committee table.

1. The CHAIRPERSON welcomed the delegation of Chad and invited it to introduce the initial report of the State party (CRC/C/3/Add.50).

2. Mr. LIMANE (Chad), after introducing the delegation from his country, said that Chad was a landlocked country linking the Sahel and Central Africa and was one of the poorest countries in the world despite having a wealth of varied resources both above and under the ground. Since gaining its independence in 1960, Chad had been plagued by political instability and constant civil wars. Between 1982 and 1990 the country had endured one of the most repressive dictatorships in Africa. In that respect, the findings of the commission of inquiry set up in 1990 to shed some light on the crimes and offences committed during the reign of Hissène Habré spoke volumes. Since 1990, Chad had set its sights firmly on the democratization of its political system and the promotion of human rights. Its Constitution, adopted in 1996, devoted a good deal of space to rights and freedoms, and Chad had also adopted and ratified numerous legal instruments for the protection of human rights, including the African Charter on Human and Peoples' Rights, as well as the Convention on the Rights of the Child.

3. He said that Chad's initial report conformed as closely as possible to the general guidelines regarding the form and content of reports to be submitted by States parties under article 44, paragraph 1 (a), of the Convention. After mentioning some of the steps taken within the framework of domestic legislation to implement the Convention (arts. 12-58 of the Constitution; the 1991 ordinance on the reorganization of the armed forces), he stressed that the process under way in Chad to implement fully the Convention showed the political will of the Chadian Government to move towards the full observance of the rights of the child, thanks in particular to the help of UNICEF. In conclusion, he drew attention to two projects recently undertaken in the country: one concerned the initial and advanced training of specialized teachers, assistants and children's judges, and the other concerned setting up an emergency centre for minors in conflict with the law. He hoped that the Committee would be able to support the authorities in carrying out those two projects.

4. Mr. FULCI said the Chadian Government was to be congratulated for preparing its report in accordance with the Committee's general guidelines. Unfortunately, there was a lack of clarity in the presentation of information (for example on health and education), which was not always to be found in the appropriate chapter. Given the major problems hindering the implementation of the Convention as a result of limited budgetary resources, he asked what share of the national budget was allocated to the protection of children and to what extent the lack of resources (especially in the areas of health and education) was an obstacle to the implementation of the Convention. He would also like to have some details on the measures envisaged or

already taken to make the Convention more widely known in the country and to train certain professional groups (such as judges, lawyers, police officers or prison staff) in the rights of the child.

5. Ms. OUEDRAOGO asked whether, in the implementation of the Convention, account had been taken of the inhabitants not included in the 1993 General Population and Housing Census because of the prevailing insecurity in the country at the time, and who represented 1.4 per cent of the total population. She also asked whether 15 to 18-year-olds were taken into account in table 9 of the core document (HRI/CORE/1/Add.88) on the distribution of rates of employment and unemployment. She would also like to have some details on the situation of children in 1993-1994, given that the table showed a sharp increase in the number of job-seekers during that period. She then asked if Chadians actually exercised the remedies available to them if they were the victims of human rights violations. Finally, she asked what measures the Chadian Government had taken to improve the dissemination of the Convention in the country.

6. Mr. DOEK asked whether, given the many social and economic difficulties to be overcome if children's rights were to be observed in practice in the country, the Chadian Government had worked out a plan of action setting certain practical priorities to be achieved by the year 2000.

7. Mr. RABAH asked whether the Chadian Government had made any reservations upon ratifying the Convention and, if so, whether it had any intention of withdrawing them. He would also like to know if civil society had been involved in preparing the initial report of Chad.

8. Ms. KARP asked for some information on the National Committee for the Coordination and Implementation of the Objectives of the National Programme of Action for Chadian Children (PRONAFET), particularly on its budget, how it operated, its membership, its objective and the scope of its activities. She also requested information on the content of the bills currently before Parliament.

The meeting was suspended at 3.40 p.m. and resumed at 3.50 p.m.

9. Mr. LIMANE (Chad) said that the lack of detail in the report resulted from the tendency of the educational and health sectors to overlap. Nevertheless, the Chadian Government had made an effort to include details in its written replies, where it had very clearly indicated that, for example, the budgets for national education, health and social services were being increased every year, which showed its commitment in those areas.

10. In order to overcome the obstacles to the dissemination of the Convention, the text had already been translated into the five languages spoken most widely in Chad, at least one of which was understood by all Chadian citizens. Nevertheless, the Government would pursue its efforts to make the Convention widely known. The practical measures taken to ensure the implementation of the Convention were in line with the priorities set in, for example, the National Programme of Action for Chadian Children, particularly in terms of education and health. Furthermore, a law that would set up a special procedure for the trial of juveniles had recently been adopted and several bills, dealing with such things as abuse and female

circumcision, would also have a positive impact, once adopted, on the situation of children. Moreover, at the regional level, Chad had only recently ratified the Charter of the Rights and Welfare of the African Child.

11. The worrying unemployment rate in Chad was largely attributable to the structural adjustment programme, which imposed restrictions on public-sector recruitment. In Chad, the State was the main employer, while the private sector was not very well developed. The forthcoming expiry of the structural adjustment programme and the streamlining of the administration should allow recruitment to begin again. However, it should be noted that the educational, health and judicial sectors had not been affected by those restrictions on employment.

12. In the view of the Chadian Government, illiteracy was the main cause of the ignorance of a large part of the population with regard to existing remedies. However, the priority given to education and the translation into traditional languages of the international instruments ratified by Chad should help to rectify that problem. Moreover, Chad had made no reservations, and its initial report was the result of a joint effort by representatives of the authorities and civil society.

13. Finally, he said it was true that the contradictions between customary law and civil law raised a number of difficulties in the implementation of the Convention. Nevertheless, the new Civil Code being drafted should win the support of all sectors of the population insofar as it took into account the various customs observed in the country while at the same time affirming the principle of the primacy of international instruments to which Chad was party over domestic law.

14. Ms. MOTOGAM (Chad) said that the National Committee for the Coordination and Implementation of the Objectives of the National Programme of Action for Chadian Children had been set up in 1995 and that it comprised the heads of the ministerial departments involved in implementing activities for children, namely, the departments of justice, health, education, the interior and the civil service. The National Committee had a secretariat but no budget of its own, as it merely set the overall direction of policy towards children, the implementation of which was the task of the aforementioned ministries.

15. The CHAIRPERSON invited the Committee to consider the sections of the list of issues that dealt with the definition of the child and general principles.

16. Ms. OUEDRAOGO, noting that Chad was heavily dependent on international aid, asked the delegation what proportion of that aid was devoted to programmes for children and whether the Chadian Government was able to allocate 20 per cent of its expenditure to basic social services, in accordance with the "20/20 initiative" of the United Nations. She also wished to know how the Government selected from the many non-governmental organizations (NGOs) in the country those that would be responsible for implementing programmes for children and how it made sure that their activities were coordinated.

17. She also wished to know if traditional chiefs had been involved in the implementation of the Convention in an effort to overcome the contradictions between some of its provisions and customary law. Also noting that in its written replies the State party reported that a children's parliament had been set up, she asked for details on the procedure for electing the young people

who sat in it and on its role in the implementation of the Convention. Finally, she asked whether the State party's report had already been disseminated and discussed in the country and whether the Chadian delegation had carried out consultations with representatives of civil society in preparing for the submission of the report to the Committee.

18. Mr. RABAH inquired about practical measures taken to combat discrimination between boys and girls. Although the principle of non-discrimination was written into the Chadian Constitution, experience showed that in most developing countries girls were at a disadvantage in many areas, particularly in matters relating to marriage and inheritance.

19. Ms. EL GUINDI asked for details on the system for monitoring the implementation of the Convention and on measures taken to close the gender gap observed in the areas of health, education and culture.

20. Ms. KARP asked the delegation for some examples of the way in which the new legislative provisions that were planned would allow the contradictions between customary law and the Convention to be resolved. She wished to know in particular how the criminal legislation that treated as rape the consummation of a customary marriage involving a girl under 13 years of age was applied in practice, considering that customary marriage was often entered into below the legal minimum age at which a girl could marry. In that connection, she asked what steps had been taken to raise awareness of the risks to adolescent girls of early pregnancy.

21. She also wondered why a minor could not give evidence in court except in the presence of his or her parents and whether that restriction was compatible with the principle of respecting the views of the child, as proclaimed in the Convention. Noting, furthermore, the statement in paragraph 41 of the report that Chadian legislation laid down no minimum age for legal and medical counselling without parental consent, she asked whether that meant that any child, whatever his or her age, could consult a lawyer or doctor without authorization or whether, on the contrary, parental consent was necessary until the child reached the age of majority. Finally, she asked for details of measures taken to encourage the participation of children, particularly at school, in the family and in the juvenile justice system, as well as on the system for lodging a complaint or appeal that was available to children.

22. Mr. DOEK asked for information on the differences between the Children's Code and the Family and Persons Code, the preparation of which was mentioned in paragraph 21 of the report. He would also like to have details of the plan of action implemented by the National Committee on Harmful Traditional Practices. If it was a campaign to raise awareness, which categories of the population were being targeted? It was stated in paragraph 59 of the report that mothers rarely took legal action to force fathers to pay maintenance for children born outside wedlock, because of ignorance of the law. was a representative of the child or a State body able to do so in their place? Finally, the possibility under the Civil Code for children to be represented by a court-appointed administrator in cases where their interests conflicted with those of their parents, as mentioned in paragraph 68 of the report, was welcome. Nevertheless, perhaps the delegation could provide fuller information on the procedure for appointing that administrator and indicate whether children themselves could take the decision to bring a civil suit.

The meeting was suspended at 4.30 p.m. and resumed at 4.40 p.m.

23. Mr. LIMANE (Chad) said that, thanks to the support of partners like the IMF and the World Bank, the objectives of the 20/20 initiative had been achieved in Chad, where the departments of social welfare, health and education received the largest share of international aid. The State involved civil society in its work through the National Commission on Human Rights, an independent body that brought together representatives of the State and NGOs. In fact, it was the National Commission that had prepared the initial report of Chad, with on-the-spot assistance from UNICEF. No press conference had been held during those preparations, but one would be held when the delegation returned to the country, to tell people about the outcome of the dialogue with the Committee. The Children's Parliament, to which each prefecture sent representatives, had been set up in 1998. For the moment, the Parliament acted only in an advisory capacity, but at the end of 1999 a bill to make it an official institution would be submitted.

24. With regard to protective measures, he said that poor families were exempted from paying school-enrolment fees for their children and were entitled to free legal aid where necessary. Also, awareness-raising workshops were organized on a regular basis in an attempt to change people's way of thinking, but gender discrimination was still deeply rooted. Furthermore, a bill to make the age for consent to marriage 18 for both sexes would soon be put before the legislator. It was true that customary law was sometimes incompatible with the Convention and traditional chiefs found it difficult to understand some of its provisions, particularly those on respecting the views of the child and on freedom of religion, but workshops had been and would continue to be organized to overcome that kind of cultural reticence. Such reticence should not be underestimated, however, and a good deal of progress still needed to be made in various areas. For example, it was not possible to give evidence in court before the age of 18, as the authorities considered that one could not give reliable evidence before that age. Likewise, it was inconceivable in Chad for a child to appear in court, which was why it was not possible to bring a suit to determine paternity before the age of majority. As there was no official body that could bring such a suit on behalf of minors, there was indeed a breach of the Convention and the guidance of the Committee in that respect would be welcome.

25. He said that the Children's Code, which had been prepared following a recommendation by the Sovereign National Conference, would allow problems that were specific to children, particularly in criminal matters, to be dealt with, whereas the Family and Persons Code had a broader scope and tended to deal more with civil questions. Finally, with regard to the appointment of ad hoc administrators, he said that the guardianship magistrate had no pre-set lists to work from and had full discretion to select someone, on the sole condition that the person had reached the age of majority.

26. Ms. MOTOGAM (Chad) acknowledged that some legislation adopted before the Convention had been ratified did contain provisions that discriminated between boys and girls, particularly in the areas of marriage and succession. As far as employment was concerned, on the other hand, the problem had been settled with the implementation of the new Labour Code, which fixed the minimum age for admission to employment at 14 for both sexes. In fact, discrimination against women and girls mostly took the form of incest, arranged marriages, genital mutilation and sexual harassment, which would all be prohibited once a bill currently being prepared by the Ministry of Justice was adopted. Moreover, although the Children's Code

had not yet been drafted, several laws protecting children's rights had recently been passed, including the law on the trial of offences committed by minors and the law allowing children to use contraceptives without parental consent from the age of 15.

27. Mr. LIMANE (Chad) said that the legislation did not allow a minor to seek medical advice unless he or she was accompanied by a parent, on the grounds that no child was likely to be able to pay for such services from his or her own pocket. Nor was it possible for minors to file a law suit, they could only lodge a complaint with the Government Procurator, who could then begin proceedings.

28. Ms. KARP said it would be a good idea to involve representatives of the Ministry of Finance in the work of the National Committee for the Coordination and Implementation of the Objectives of PRONAFET, as that would help the Ministry to understand what was at stake and to allocate adequate budgets to each of the other ministries. She also stressed how important it was to take a holistic approach to the Convention. In her view, the approach to the rights of the child in Chad was too compartmentalized. Some of the delegation's replies, such as those on giving evidence or seeking medical advice, showed that the State party did not consider children as subjects of law and persons in their own right who were capable of forming their own opinions. She was also very disappointed that there was no independent body in Chad to receive the complaints of children wishing to dispute, for example, disciplinary measures or administrative decisions that affected them.

29. Mr. DOEK, referring to the question of recovering maintenance, said that the Chadian authorities might consider making a public body - within the framework, for example, of the Department of Children and Disabled Persons or the Child Protection Office - responsible for bringing an action in the appropriate court when a decision awarding maintenance was ignored and, at the very least, helping the mother and child negotiate the necessary formalities.

30. Mr. FULCI said he understood that in Chad it was compulsory to register births in towns but not in the countryside, where some villages did not even have a registrar. According to UNICEF, barely half of all births were registered, which was regrettable since registration was the first act of recognition of the existence of a child in law. In such conditions, how could the authorities draw up accurate statistics on the infant mortality rate? He asked whether the Chadian Government intended to take steps to fill those gaps, whether access to birth registers was made easy for parents speaking minority languages, and whether the State was obliged to ensure the registration of births when parents did not do so.

31. He then drew attention to the right of the child not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, as provided for in article 37 (a) of the Convention. Although that right was guaranteed by the Constitution, it nevertheless appeared to be often flouted in the name of the customs and traditions of the country. What measures, legal and otherwise, had the Chadian authorities taken to prevent State officials from committing acts of torture, and were remedies open to victims when such acts were committed?

32. Ms. OUEDRAOGO asked to what extent the views of the child were taken into account when administrative and other decisions affecting him or her were taken. She also wished to know what measures were envisaged to help single mothers, who appeared to suffer from

discrimination in society. Were inter-ethnic marriages, like inter-religious marriages, frowned upon? Were the Chadian authorities making real efforts to curb the many and diverse forms of discrimination observed in the country? Finally, she emphasized the need for the authorities to continue to oppose the broadcasting on national television channels of violent or pornographic films that children might find disturbing.

33. Mr. RABAH agreed with Ms. Ouedraogo on the latter point, and also asked whether children, particularly girls, were really able to express their wishes, given the strong influence of customary law in Chad.

34. Ms. KARP asked what action had been taken in the cases of police brutality against children revealed in 1993 and 1995, and whether the guilty parties had been tried and punished. She also wished to know whether any steps had been taken to give children easier access to information, particularly in rural areas, and whether all schools were equipped with libraries. Paragraphs 86 to 88 of the report dealt with the protection of adults' privacy, but made no mention of any measures taken to protect the privacy of children, and she wished to know whether, for example, teachers were allowed to search their pupils' bags and, if so, in what circumstances. She also asked whether corporal punishment was banned in schools, in foster homes and in children's detention centres, and whether there was a mechanism allowing children subjected to such practices to lodge a complaint. Were parents encouraged to talk to their children and involve them in family decisions? Finally, she wished to know whether any studies had been carried out on the issue of domestic violence and ill-treatment, including incest, and what measures, other than legislative measures, had been taken to combat that phenomenon.

35. Ms. OUEDRAOGO asked the delegation to provide some details on the registration of births among the nomadic peoples of the country and in cases where the father of the child was not known. She also wished to know whether the implementation of the Convention was also assured in the part of the country that was plainly unsafe, whether boys there could be enlisted in the army before the age of 18 and how young girls were protected there. Finally, she wished to know how children's freedom of expression, as provided for by law, was encouraged in practice.

36. Ms. MOKHUANE, referring to the issue of nationality, asked what the status was of a child whose father or mother did not have Chadian nationality. She would also like to know how children's freedom of expression was guaranteed, given the persistence in many countries in Africa of the idea that children should be seen and not heard. Finally, she asked why the censorship commission set up to prohibit the broadcasting and projection of violent or pornographic films was not operational, and what the geographical spread was of public libraries in the country.

37. The CHAIRPERSON invited Committee members who so wished to ask questions relating to the section of the list of issues that dealt with the family environment and alternative care.

38. Mr. DOEK asked whether the parents of children who had been removed from their natural environment because their health, morals or education were seriously jeopardized were deprived of their parental rights, and whether social workers who stepped in to ensure the well-being of a child in care could also work together with the family to avoid the placement. Did the authorities regard the extended family as a sort of substitute for the child's close family?

39. He noted that a number of legislative measures had been taken to punish the perpetrators of violence against minors (paras. 111 to 114 of the report), but said he would like to know how the legislation translated into reality and whether there was a mechanism for reporting the ill-treatment of children to the police or social services. What steps were then taken? Were they steps to protect the child or to prosecute the guilty parties? Were the latter more severely punished if they were members of the child's family and how were cases of sexual violence within the family ascertained?

40. Ms. KARP asked whether Chad intended to ratify the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption as well as the Convention on the Civil Aspects of International Child Abduction. Observing that there existed in Chad, side by side with the system of adoption provided for in the Civil Code, a system of adoption within the extended family, she asked how the authorities ensured the protection of children living in that kind of family context.

41. Ms. MOKHUANE asked whether the Chadian authorities had any plans for programmes to help parents raise their children, given that the concept of childhood was constantly evolving. Given the scarce resources available in the country, how was the Government tackling the negligence shown by some parents towards their children?

42. Ms. OUEDRAOGO asked whether there were any parental guidance courses and family advisory services to help families in crisis. Did children born of polygamous relationships enjoy any particular help?

43. The CHAIRPERSON said that the Chadian delegation would be invited to reply to the questions put by Committee members at the next meeting.

The meeting rose at 6 p.m.